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12 Attorneys for Defendants Temujin Labs Inc.  
(Delaware), Temujin Labs Inc. (Cayman), and the  
13 Individual Defendants

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 ARIEL ABITTAN,

Case No.: 5:20-cv-09340

18 Plaintiff,

19 v.  
**DECLARATION OF FELIX S. LEE IN  
SUPPORT OF ADMINISTRATIVE  
MOTION TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

20 LILY CHAO (A/K/A TIFFANY CHEN, A/K/A  
YUTING CHEN), DAMIEN DING (A/K/A  
21 DAMIEN LEUNG, A/K/A TAO DING),  
TEMUJIN LABS INC. (A DELAWARE  
22 CORPORATION), AND TEMUJIN LABS INC.  
(A CAYMAN CORPORATION)

Judge: Hon. Nathanael M. Cousins

23 Defendants,

24 and

25 EIAN LABS INC.,

26 Nominal Defendant.

1 I, Felix S. Lee, hereby state and declare as follows:

2 1. I am an attorney admitted to practice before this Court and a partner at the law  
3 firm of Fenwick & West LLP, which represents Defendants in this action. I have personal  
4 knowledge of the matters set forth in this declaration and, if called upon to do so, could and  
5 would testify competently as to the matters described below.

6 2. On June 16, 2021, counsel for Defendants sent to counsel for Plaintiff a draft  
7 stipulation proposing the continuation of the case management conference in this action to 30  
8 days after rulings on Defendants' pending motions to dismiss, on grounds that convening such a  
9 conference would be premature in light of the pendency of those motions.

10 3. On June 18, 2021, Plaintiff's counsel responded by proposing that the case  
11 management conference be continued until July 28, 2021.

12 4. On June 22, 2021, counsel for the parties met and conferred to discuss the  
13 contemplated continuance of the case management conference. Counsel for Defendants  
14 expressed the view that the case management conference and the antecedent Rule 26(f)  
15 conferences between the parties would be premature, given that Defendants had moved to dismiss  
16 on grounds that certain of them had not been properly served, and that the claims against Temujin  
17 Delaware should have been brought in an earlier filed state court action. Defendant's counsel  
18 went on to note that it would be illogical for parties who arguably have not been properly served  
19 to engage in meet and confer discussions over discovery, with the same being true for Defendant  
20 Temujin Delaware in light of uncertainty as to whether it should have been sued in a parallel state  
21 court action. Plaintiff's counsel took the position that they did not want an open-ended  
22 continuance of the case management conference, and that case management conferences are  
23 frequently held while motions to dismiss are pending. Plaintiff's counsel also said they wanted  
24 discovery to proceed expeditiously. Counsel for Defendants noted that they had no aversion to  
25 discovery proceeding in the abstract between Plaintiff and Temujin Delaware, and indeed, had  
26 already served discovery in the parallel state court proceeding, but that in this action the uncertain  
27 procedural status of each of the Defendants weighed in favor of continuance of the case  
28 management conference. Counsel for both parties agreed to further consider their positions and

continue to meet and confer on the issue.

3. On Friday, June 25, 2021, I proposed by email to Plaintiff's counsel that the Case Management Conference be continued until September 15, 2021, with the rationale being that such date would provide the Court sufficient time to rule on the pending motions to dismiss and also provide time for the parties to assess the outcome of those orders and prepare to meaningfully meet and confer over the requisite Rule 26(f) topics, if warranted.

4. On Monday, June 28, 2021, Plaintiff's counsel responded by email and declined to stipulate to rescheduling the Case Management Conference to September 15, and noted that they would oppose any effort to continue the conference from its current date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2nd day of July, 2021 at Sunnyvale, CA.

FENWICK & WEST LLP

By: /s/Felix S. Lee  
Felix S. Lee